

Respondent by virtue of the Regional Director's abuse of discretion in failing to grant a hearing on Respondent's Objections.²

Nevertheless, though Respondent understands it is unlikely, it is not too late for the Board to recognize its error in adopting the Report on Objections issued by the Regional Director for Region 8. The election held in the underlying proceeding was fatally flawed, and the Regional Director's failure to convene a hearing on the matter will severely deter the Board's pursuit of enforcement of the certification. Respondent's Objections should be remanded for a hearing to determine whether the manner in which the election was held affected its fairness and validity.

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Respectfully submitted,

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² Noting that "a single vote change would have meant a different outcome," where the final tally was 19 to 17 in favor of the Union, Member Hayes explained that "[t]he closeness of the election makes even more troublesome the Regional Director's summary disposition of th[e Respondent's] objection without affording the Employer an opportunity to present evidence at a hearing." *American Medical Response*, 356 NLRB No. 42, slip op. at 3, n. 3 (citing, *NLRB v. Bristol Spring Mfg.*, 579 F.2d 704 (2d Cir. 1978), *denying enf. of* 231 NLRB 568 (1977)).

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